



PUBLIC NOTICE

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Report No. SCL-00413NS

Friday May 5, 2023

Non-Streamlined Submarine Cable Landing License Applications Accepted For Filing

The applications listed below have been found, upon initial review, to be acceptable for filing. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, an applicant seeks: (a) the grant of a cable landing license; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license. These applications are not subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules. 47 CFR § 1.767.

Unless otherwise specified, filings relating to these applications must be received within 14 days of this notice. Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206.

These applications are being coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules and consistent with procedures established with the Department of State. 47 CFR §1.767(b); see Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

Pursuant to its decision in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within ninety (90) days after release of this public notice, unless it determines that additional time is needed. 47 CFR §1.767.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Assignment

Current Licensee: MCI International LLC

FROM: MCI International LLC

TO: Cable and Wireless BVI Limited

Cable & Wireless (BVI) Limited (C&W BVI) has filed an application for consent to assign the minority interests held by MCI International LLC (MCI) and Verizon Hawaii International Inc. (Verizon Hawaii) in the Taino-Carib Cable System (SCL-LIC-20180702-00019) C&W BVI. MCI is a Delaware limited liability company and Verizon Hawaii is a Delaware corporation. C&W BVI is a company incorporated under the laws of the British Virgin Islands. MCI and C&W BVI are two of six cable landing licensees that jointly hold the cable landing license for the Taino-Carib Cable System. Each of the Applicants is a consortium member of the Taino-Carib Cable System. Applicants filed supplements on December 16, 2022 and March 13, 2023.

The Taino-Carib Cable System is a common carrier fiber-optic submarine cable system that links Puerto Rico with the U.S. Virgin Islands and the British Virgin Islands, and connects at these landing points to other cables extending to the U.S. Mainland, other Caribbean islands, and Central and South America. The Taino-Carib consortium is composed of 21 members that are parties to the Taino-Carib Construction and Maintenance Agreement. Each party has varying degrees of voting rights and ownership in the cable corresponding to its level of investment in the cable. Together, MCI and Verizon Hawaii hold 10.225% ownership and voting interests in the Taino-Carib Cable System. Currently, C&W BVI holds 14.462% ownership and voting interests in the Taino-Carib Cable System.

Pursuant to the proposed transaction, C&W BVI will acquire all of MCI's and Verizon Hawaii's ownership interests in the cable system. As a result, C&W BVI will hold approximately 24.687% ownership and voting interests in the Taino-Carib Cable System. According to the Application, while C&W BVI's ownership interest in the Taino-Carib Cable System would increase as a result of the proposed transaction, it would remain a minority, non-controlling interest. The proposed transaction will not involve the transfer of control of any cable landing station in the United States. Applicants state that the proposed transaction will not affect other licensees or the U.S. cable landing stations of the Taino-Carib Cable System, nor result in a change of control of the cable system.

The following entities or individuals hold 10% or greater equity and voting interests in C&W BVI: (1) Cable & Wireless (West Indies) Limited (C&W West Indies), an England entity (100% equity and voting interests in C&W BVI); (2) CWI Group Limited (CWI Group), an England entity (100% equity and voting interests in C&W West Indies); (3) Sable Holding Limited (Sable Holding), an England entity (100% equity and voting interests in CWI Group); (4) C&W Senior Secured Parent Limited (C&W Senior Secured), a Cayman Islands entity (100% equity and voting interests in Sable Holding); (5) C&W Senior Finance Limited (C&W Senior Finance), a Cayman Islands entity (100% equity and voting interests in C&W Senior Secured); (6) Cable & Wireless Limited (C&W Limited), an England entity (100% equity and voting interests in C&W Senior Finance); (7) Cable & Wireless Communications Limited (C&W Communications), an England entity (100% equity and voting interests in C&W Limited); (8) LGE Coral Holdco Limited (LGE Coral), an England entity (100% equity and voting interests in C&W Communications); (9) Liberty CWC Holdings Limited (Liberty CWC), a Barbados entity (100% equity and voting interests in LGE Coral); (10) LiLAC Services Ltd. (LiLAC Services), a Bermuda entity (100% equity and voting interests in Liberty CWC); (11) Liberty Latin America Ltd., a Bermuda entity (100% equity and voting interests in LiLAC Services); and (12) John C. Malone, a U.S. citizen (26.1% voting interests and 6.1% equity interests in Liberty Latin America Ltd.). Applicants state that no other person or entity owns or controls a 10% or greater direct or indirect interest in C&W BVI.

C&W BVI certifies that it accepts and will abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g).

C&W BVI agrees to accept and abide by the reporting requirements set out in section 1.766(l) of the Commission's rules, 47 CFR § 1.766(l).

Pursuant to Commission practice, the applications associated with the proposed transaction (SCL-ASG-20221020-00032, ITC-ASG-20221215-00156) are being referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the foreign ownership of the Applicants. See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC Rcd 10927 (2020). Although the Applicants request that the Commission exclude the Application from referral, the Application does not qualify for an exclusion from referral for cable landing license applications. See *id.* at 10935-36, 1098-41, paras. 24, 30-35; 47 CFR § 1.40001(a)(2).

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001-.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.